

Statutory interpretation in its simple form is the process of giving effect to the parliament's intention through the words of the statute. This means that the Judiciary must interpret or construe a meaning of words in a statute that is consistent with the parliament's intention. This is necessary in situations where there will be difficulties to properly gather the meaning behind the words which was intended by the parliament.

Francis Bennion illustrates few of these difficulties. 1. Ellipsis, this is where the draftsman refrains from using the words that are considered to be implied. 2. Use of broad terms, this gives wide meaning to the provisions and will be hard to focus into a certain situation. 3. Unforeseeable development, Since the UK parliament is one of the oldest governing institutes in the world there are Acts still in practice which were passed centuries ago. With the development of technology there are new systems that people use, Example Online Banking, Mobile Phone Communication. 4. Inadequate use of words, this will mostly be referring to printing errors.

Traditional approaches for the interpretation were with several rules. One of which is The Literal Rule. Here the judge will take the basic English dictionary meaning of the word. This can be considered to be a safe way for statutory interpretation but there are many instances that this resulted in courts giving absurd decisions. In the case of **R v Harris**, Statute provided that it is an offence to unlawfully stab, cut or wound any person. Here since the defendant bit off the nose of the victim that the court held the defendant cannot commit this offence since the words in the statute indicated some sort of a weapon should be used to commit the offence. In **Whiteley v Chappell**, State made it clear that it is an offence to impersonate a person who is eligible to vote as that person. Defendant used the identity of a dead person and voted. Courts held that defendant is not liable solely on the fact that dead people can't vote and that it was not mentioned in the statute.

Another way of interpreting statutes is using the Golden Rule. When literal rules lead to absurdity one must find a secondary meaning to the word. This is where the golden rule applies. In the case of **Alder v George**, the defendant was arrested inside a premise under The Official Secrets Act 1920, which states that it is an offence to obstruct an armed force member in the vicinity of a prohibited place. Court held that it would be absurd that it is a violation to be near such a place and it is not a violation if you are inside and therefore, Defendant's conviction was upheld.

Mischief rule is another method of interpretation, where courts will use their discretion in order to identify and address loopholes that may be exploited in a statute. In the **Hayden's Case [1584]**, it was established that there should be certain requirements for this approach. What was the common law before passing the statute, what was the defect and mischief that the common law did not address, what remedy did parliament introduce to resolve the effect, what is the true reason for the remedy? In the case of **R v R**, House of Lords held that it could have not been the

Essays On Form And Interpretation

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